

Reasons for Request of Abandonment of Easement

March 13, 2006

**Property address: 7650 E Cortez Rd
Property owners: David and Linda Sanchez
Case # 130-PA-2006**

We are seeking to have the 25' ingress/egress **easement #8596 pg. 744** at the above address abandoned for the following reasons:

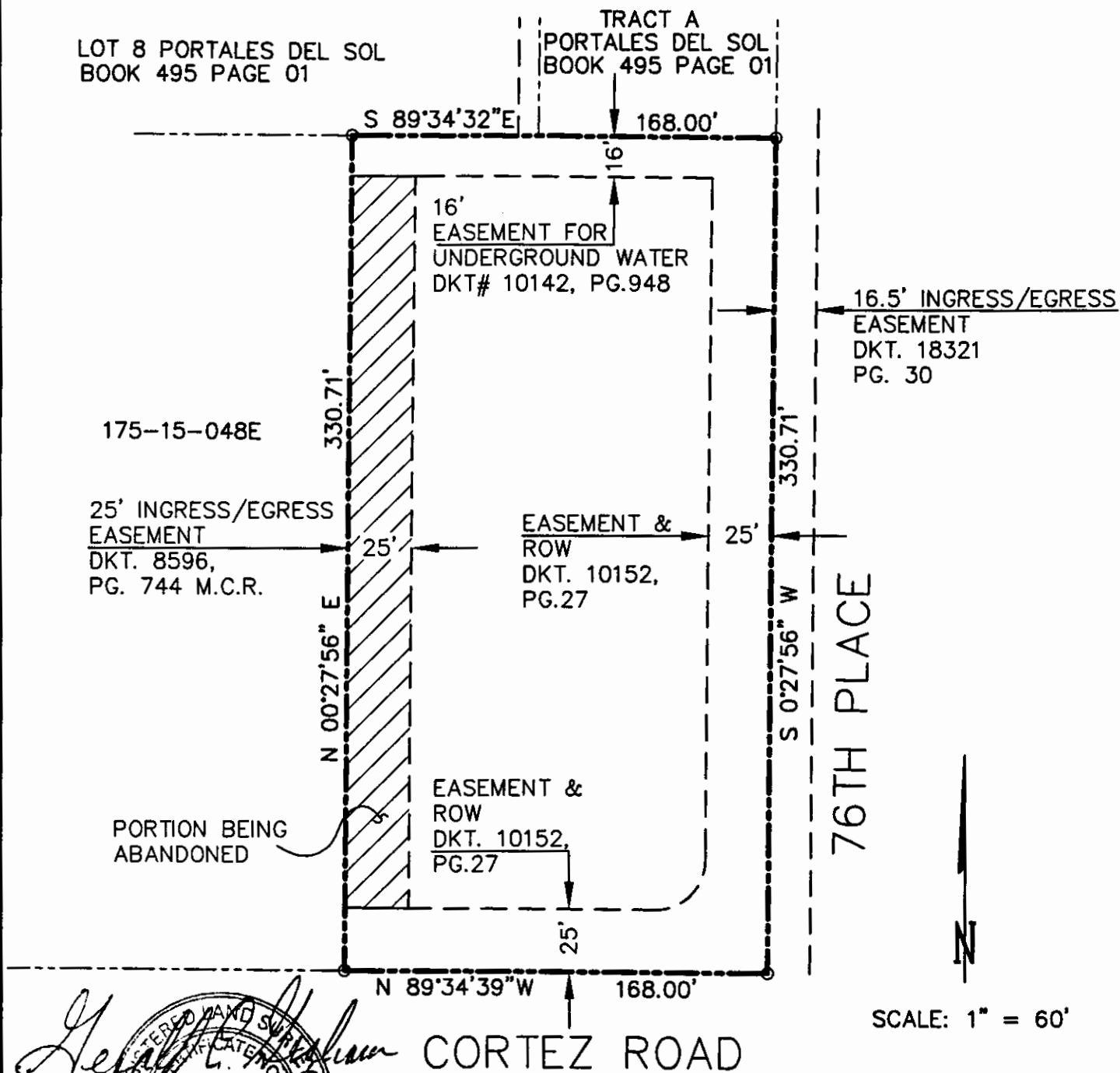
- 1) In 1971, a previous owner granted the City of Scottsdale a 25' right-of-way easement on the west side of the property. A subsequent 25' roadway easement was granted to the city in 1973 on the east side of this property. This east side easement was ultimately used as the north/south 76th Place roadway and connects to Cortez Rd. *The use of the east side of the property for the public roadway has made the need for the west side roadway easement useless and should have been abandoned years ago.* Also, in the late 1990's a subdivision, Portales del Sol was built to the North of the easement, there are now homes where a road would have gone.
- 2) The property was purchased to rebuild a new home on the property. The city has already claimed a 25' easement on the south side of the property and 25' on the east side of the property. On this 168' wide property, the existing east/west easements eliminate 25' on the east + 25' on the west + 40' east setback + 15' west setback, leaving a 63' east/west building envelope for the proposed 6,050 square foot house. *This leaves a near impossible envelope with which to build a suitable home.* Prior to purchasing the home, I researched easements of the property. The City of Scottsdale does not have this easement on their records. The engineering firm we hired informed us of this easement after we purchased the property.
- 3) The above easement is 25 feet wide and runs north/south along the west side of the property. The property has been enclosed by an 8' wall on the entire north side, west side and east side with the house enclosing in the property on the south side. *No public access is possible or has been possible since these walls were erected by a previous owner many years ago. Therefore this easement is no longer needed for public access.*
- 4) This easement was granted in 1971 when all surrounding properties were open, including several large farm properties to the north. This north/south easement could have provided access to any of those properties. Those properties have since been bought and consolidated into the gated community of Portales Del Sol. The community is completely surrounded by its own 8' wall with its own separate ingress/egress gate on 76th Place. *Therefore this easement is no longer needed by any surrounding property.*
- 5) All neighbor's surrounding the property were notified and all support the abandonment of the west easement on the property. They have no objections to the abandonment and prefer it to the possible alternative, which is to build a two-story home. Documentation of the neighborhood notification is attached.
- 6) Letters were received from all utility companies indicating they have no objections to the abandonment of the easement.

For the above reasons, we respectfully request an abandonment of the easement on the above property.

EXHIBIT "B"

INGRESS/EGRESS EASEMENT RELEASE

THE E. 168 FT. OF THE S 1/2, NW 1/4, SW 1/4, NE 1/4, SEC. 23, T3N, R4E
OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
SCOTTSDALE, MARICOPA COUNTY, ARIZONA



GRAHAM ENGINEERING & SURVEYING INC.
Civil Engineers & Land Surveyors
P.O. BOX 1243, Carefree, Arizona 85377
(480) 488-4393

DATE: 03-10-06
SHT. 1 OF 1 JOB # 05-383